

1 A bill to be entitled
 2 An act relating to the tax on sales, use, and other
 3 transactions; repealing s. 212.031, F.S., relating to
 4 imposition of a tax on the rental or license fee
 5 charged for the use of commercial real property;
 6 amending ss. 212.0598, 212.0602, 288.1258, 338.234,
 7 and 341.840, F.S.; conforming cross-references;
 8 providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 212.031, Florida Statutes, is repealed.

13 Section 2. Subsection (2) of section 212.0598, Florida
 14 Statutes, is amended to read:

15 212.0598 Special provisions; air carriers.—

16 (2) The basis of the tax shall be the ratio of Florida
 17 mileage to total mileage as determined pursuant to chapter 220
 18 and this section. The ratio shall be determined at the close of
 19 the carrier's preceding fiscal year. However, during the fiscal
 20 year in which the air carrier begins initial operations in this
 21 state, the carrier may determine its mileage apportionment
 22 factor based on an estimated ratio of anticipated revenue miles
 23 in this state to anticipated total revenue miles. In such cases,
 24 the air carrier shall pay additional tax or apply for a refund
 25 based on the actual ratio for that year. The applicable ratio
 26 shall be applied each month to the carrier's total systemwide
 27 gross purchases of tangible personal property and services
 28 otherwise taxable in Florida. Additionally, the ratio shall be

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29 applied each month to the carrier's total systemwide payments
 30 for the lease or rental of, or license in, real property used by
 31 the carrier substantially for aircraft maintenance if that
 32 carrier employed, on average, during the previous calendar
 33 quarter in excess of 3,000 full-time equivalent maintenance or
 34 repair employees at one maintenance base that it leases, rents,
 35 or has a license in, in this state. ~~In all other instances, the~~
 36 ~~tax on real property leased, rented, or licensed by the carrier~~
 37 ~~shall be as provided in s. 212.031.~~

38 Section 3. Section 212.0602, Florida Statutes, is amended
 39 to read:

40 212.0602 Education; limited exemption.—To facilitate
 41 investment in education and job training, there is also exempt
 42 from the taxes levied under this chapter, subject to the
 43 provisions of this section, the purchase or lease of materials,
 44 equipment, and other items or the license in or lease of real
 45 property by any entity, institution, or organization that is
 46 primarily engaged in teaching students to perform any of the
 47 activities or services described in former s. 212.031(1)(a)9.,
 48 that conducts classes at a fixed location located in this state,
 49 that is licensed under chapter 1005, and that has at least 500
 50 enrolled students. Any entity, institution, or organization
 51 meeting the requirements of this section shall be deemed to
 52 qualify for the exemptions in former s. ss. 212.031(1)(a)9. and
 53 s. 212.08(5)(f) and (12), and to qualify for an exemption for
 54 its purchase or lease of materials, equipment, and other items
 55 used for education or demonstration of the school's curriculum,
 56 including supporting operations. Nothing in this section shall

57 preclude an entity described in this section from qualifying for
 58 any other exemption provided for in this chapter.

59 Section 4. Subsections (2) and (3) of section 288.1258,
 60 Florida Statutes, are amended to read:

61 288.1258 Entertainment industry qualified production
 62 companies; application procedure; categories; duties of the
 63 Department of Revenue; records and reports.—

64 (2) APPLICATION PROCEDURE.—

65 (a) The Department of Revenue will review all submitted
 66 applications for the required information. Within 10 working
 67 days after the receipt of a properly completed application, the
 68 Department of Revenue will forward the completed application to
 69 the Office of Film and Entertainment for approval.

70 (b)1. The Office of Film and Entertainment shall establish
 71 a process by which an entertainment industry production company
 72 may be approved by the office as a qualified production company
 73 and may receive a certificate of exemption from the Department
 74 of Revenue for the sales and use tax exemptions under ss.
 75 ~~212.031~~, ~~212.06~~ and 212.08.

76 2. Upon determination by the Office of Film and
 77 Entertainment that a production company meets the established
 78 approval criteria and qualifies for exemption, the Office of
 79 Film and Entertainment shall return the approved application or
 80 application renewal or extension to the Department of Revenue,
 81 which shall issue a certificate of exemption.

82 3. The Office of Film and Entertainment shall deny an
 83 application or application for renewal or extension from a
 84 production company if it determines that the production company

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85 does not meet the established approval criteria.

86 (c) The Office of Film and Entertainment shall develop,
87 with the cooperation of the Department of Revenue and local
88 government entertainment industry promotion agencies, a
89 standardized application form for use in approving qualified
90 production companies.

91 1. The application form shall include, but not be limited
92 to, production-related information on employment, proposed
93 budgets, planned purchases of items exempted from sales and use
94 taxes under ss. ~~212.031~~, 212.06~~7~~, and 212.08, a signed
95 affirmation from the applicant that any items purchased for
96 which the applicant is seeking a tax exemption are intended for
97 use exclusively as an integral part of entertainment industry
98 preproduction, production, or postproduction activities engaged
99 in primarily in this state, and a signed affirmation from the
100 Office of Film and Entertainment that the information on the
101 application form has been verified and is correct. In lieu of
102 information on projected employment, proposed budgets, or
103 planned purchases of exempted items, a production company
104 seeking a 1-year certificate of exemption may submit summary
105 historical data on employment, production budgets, and purchases
106 of exempted items related to production activities in this
107 state. Any information gathered from production companies for
108 the purposes of this section shall be considered confidential
109 taxpayer information and shall be disclosed only as provided in
110 s. 213.053.

111 2. The application form may be distributed to applicants
112 by the Office of Film and Entertainment or local film

113 commissions.

114 (d) All applications, renewals, and extensions for
 115 designation as a qualified production company shall be processed
 116 by the Office of Film and Entertainment.

117 (e) In the event that the Department of Revenue determines
 118 that a production company no longer qualifies for a certificate
 119 of exemption, or has used a certificate of exemption for
 120 purposes other than those authorized by this section and chapter
 121 212, the Department of Revenue shall revoke the certificate of
 122 exemption of that production company, and any sales or use taxes
 123 exempted on items purchased or leased by the production company
 124 during the time such company did not qualify for a certificate
 125 of exemption or improperly used a certificate of exemption shall
 126 become immediately due to the Department of Revenue, along with
 127 interest and penalty as provided by s. 212.12. In addition to
 128 the other penalties imposed by law, any person who knowingly and
 129 willfully falsifies an application, or uses a certificate of
 130 exemption for purposes other than those authorized by this
 131 section and chapter 212, commits a felony of the third degree,
 132 punishable as provided in ss. 775.082, 775.083, and 775.084.

133 (3) CATEGORIES.—

134 (a)1. A production company may be qualified for
 135 designation as a qualified production company for a period of 1
 136 year if the company has operated a business in Florida at a
 137 permanent address for a period of 12 consecutive months. Such a
 138 qualified production company shall receive a single 1-year
 139 certificate of exemption from the Department of Revenue for the
 140 sales and use tax exemptions under ss. ~~212.031~~, 212.06~~7~~ and

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141 212.08, which certificate shall expire 1 year after issuance or
 142 upon the cessation of business operations in the state, at which
 143 time the certificate shall be surrendered to the Department of
 144 Revenue.

145 2. The Office of Film and Entertainment shall develop a
 146 method by which a qualified production company may annually
 147 renew a 1-year certificate of exemption for a period of up to 5
 148 years without requiring the production company to resubmit a new
 149 application during that 5-year period.

150 3. Any qualified production company may submit a new
 151 application for a 1-year certificate of exemption upon the
 152 expiration of that company's certificate of exemption.

153 (b)1. A production company may be qualified for
 154 designation as a qualified production company for a period of 90
 155 days. Such production company shall receive a single 90-day
 156 certificate of exemption from the Department of Revenue for the
 157 sales and use tax exemptions under ss. ~~212.031~~, 212.06~~7~~ and
 158 212.08, which certificate shall expire 90 days after issuance,
 159 with extensions contingent upon approval of the Office of Film
 160 and Entertainment. The certificate shall be surrendered to the
 161 Department of Revenue upon its expiration.

162 2. Any production company may submit a new application for
 163 a 90-day certificate of exemption upon the expiration of that
 164 company's certificate of exemption.

165 Section 5. Section 338.234, Florida Statutes, is amended
 166 to read:

167 338.234 Granting concessions or selling along the turnpike
 168 system; ~~immunity from taxation.~~

169 ~~(1)~~ The department may enter into contracts or licenses
 170 with any person for the sale of services or products or business
 171 opportunities on the turnpike system, or the turnpike enterprise
 172 may sell services, products, or business opportunities on the
 173 turnpike system, which benefit the traveling public or provide
 174 additional revenue to the turnpike system. Services, business
 175 opportunities, and products authorized to be sold include, but
 176 are not limited to, motor fuel, vehicle towing, and vehicle
 177 maintenance services; food with attendant nonalcoholic
 178 beverages; lodging, meeting rooms, and other business services
 179 opportunities; advertising and other promotional opportunities,
 180 which advertising and promotions must be consistent with the
 181 dignity and integrity of the state; state lottery tickets sold
 182 by authorized retailers; games and amusements that operate by
 183 the application of skill, not including games of chance as
 184 defined in s. 849.16 or other illegal gambling games; Florida
 185 citrus, goods promoting the state, or handmade goods produced
 186 within the state; and travel information, tickets, reservations,
 187 or other related services. However, the department, pursuant to
 188 the grants of authority to the turnpike enterprise under this
 189 section, shall not exercise the power of eminent domain solely
 190 for the purpose of acquiring real property in order to provide
 191 business services or opportunities, such as lodging and meeting-
 192 room space on the turnpike system.

193 ~~(2) The effectuation of the authorized purposes of the~~
 194 ~~Florida Intrastate Highway System and Florida Turnpike~~
 195 ~~Enterprise, created under this chapter, is for the benefit of~~
 196 ~~the people of the state, for the increase of their commerce and~~

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197 ~~prosperity, and for the improvement of their health and living~~
 198 ~~conditions; and, because the system and enterprise perform~~
 199 ~~essential government functions in effectuating such purposes,~~
 200 ~~neither the turnpike enterprise nor any nongovernment lessee or~~
 201 ~~licensee renting, leasing, or licensing real property from the~~
 202 ~~turnpike enterprise, pursuant to an agreement authorized by this~~
 203 ~~section, are required to pay any commercial rental tax imposed~~
 204 ~~under s. 212.031 on any capital improvements constructed,~~
 205 ~~improved, acquired, installed, or used for such purposes.~~

206 Section 6. Paragraph (a) of subsection (3) of section
 207 341.840, Florida Statutes, is amended to read:

208 341.840 Tax exemption.—

209 (3) (a) Purchases or leases of tangible personal property
 210 or real property by the authority, excluding agents of the
 211 authority, are exempt from taxes imposed by chapter 212 as
 212 provided in s. 212.08(6). Purchases or leases of tangible
 213 personal property that is incorporated into the high-speed rail
 214 system as a component part thereof, as determined by the
 215 authority, by agents of the authority or the owner of the high-
 216 speed rail system are exempt from sales or use taxes imposed by
 217 chapter 212. ~~Leases, rentals, or licenses to use real property~~
 218 ~~granted to agents of the authority or the owner of the high-~~
 219 ~~speed rail system are exempt from taxes imposed by s. 212.031 if~~
 220 ~~the real property becomes part of such system.~~ The exemptions
 221 granted in this subsection do not apply to sales, leases, or
 222 licenses by the authority, agents of the authority, or the owner
 223 of the high-speed rail system.

224 Section 7. This act shall take effect July 1, 2012.